IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 474 OF 2004

IN

SUM. SUIT NO. 190 OF 2004

M/s. Deuro Electronic
Services Pvt. Ltd., . .. Plaintiffs.

vs.

M/s. United Studios Ltd,. .. Defendants.

Simil Purohit i/by Dhru Liladhar
for plaintiffs.

Mr. ogendra Kanchan i/by D. Dwarkadas
for defendants.

CORAM : S.U. KAMDAR, J.

DATE : 19th SEPTEMBER, 2005.

P.C.:

. The present suit is filed in respect of goods sold and delivered evidenced by various invoices. There is no dispute as to the delivery of the goods because the defendants in their affidavit in reply set out the particulars indicating that the goods mentioned in each of the said invoices are delivered. However, the defendants say that the

plaintiffs have no proof of delivery and, therefore, the suit is not maintainable as a summary suit and secondly that the claim is barred by law of limitation. However, there is part payment. Thus, the claim is within time. In that view of the matter, with a view to give the defendant a chance to defend the suit, I direct the defendant to deposit in Court a sum of Rs. 4,25,000/- within a period of four weeks from today, failing which there shall be a decree. The amount if so deposited, the Prothonotary and Senior Master is directed to deposit the same in a fixed deposit with any nationalised bank initially for a period of one year and renew the same from time to time till further orders from this Court.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from the date of deposit. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.